

**TOWN COUNCIL  
REGULAR MEETING  
MAY 16, 2001**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:04 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Paul and Councilmembers Clark, Starkey and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. PRESENTATIONS**

**3.1 USS Hoga and Survivors of Pearl Harbor**

Vice-Mayor Paul explained the reason for the proclamation and introduced the survivors of Pearl Harbor who were in the audience. She described the significance of the Hoga, which was the last surviving vessel from the 1941 battle of Pearl Harbor and had fought valiantly in support of other ships during the attack. Vice-Mayor Paul stated that the Hoga was scheduled to journey from California to Dania Beach to become a monument to Pearl Harbor. She read the proclamation, which indicated that May 25th had been designated as USS Hoga and Survivors of Pearl Harbor Day.

One of the survivors spoke about the attack, explaining the damages to personnel and vessels. He commended all servicemen in their efforts to provide freedom to all Americans.

**3.2 Community Redevelopment Agency**

Mayor Venis advised that this presentation was planned for the next meeting.

**3.3 Pine Island Park Update**

Public Works/Capital Projects Manager Bruce Bernard advised that the underground had been completed and the design build was 99% complete. He stated that the multi-purpose building was 70% complete and on schedule with an end of June/first of July completion date. The contractor would begin installing the right turn lane into the park next week.

Mr. Bernard advised that Driftwood Estates was 98% complete. He referred to the report and summarized the progress on Gessner Sports Complex, which would provide a playground addition to the school shelter and Linear Park for which South Florida Water Management needed to approve a variance. Mr. Bernard advised that the design was changed, everything was bid, but the Town was waiting for permits. He spoke about Nova Middle and High Schools where installation of lights for the ballfields was being designed. At Orange Park, a playground was planned which may include land from Flamingo Elementary where the new Boys and Girls Club was meeting. Architects for Potter Park would provide a master plan and a plan for the gymnasium building, which would be built in conjunction with a new playground at that site. The Western High School lease was up for approval by the School Board, which would result in lights at that ballfield as well. Material would be cleared off the site at Eastside Park and installation of the sidewalk and other features were planned to begin.

Councilmember Clark expressed concern about the size of the playground planned for Orange Park with Mr. Bernard explaining that the building took up nearly all the land at that site, so there may not be room for the playground equipment. He explained that the

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Town used the field at the elementary school for some park programs and the plan was to have all of that at one location, including the Boys and Girls Club activities. Discussion followed in which Mr. Bernard explained that the residents did not want the playground on the vacant lot or the triangular piece of property. Councilmember Clark's concern was that if the new playground equipment was not located at Orange Park, it would go against the bond issue. Mr. Bernard stated that it would be brought back before the Council before a decision was made. Mayor Venis advised that the residents were in favor of having that parcel designated for the equipment. Mr. Bernard explained that the public idea for this had changed.

#### **3.4 Traffic and Interchange Report - Dan Arner**

Town Engineer Dan Arner reported that he had looked into traffic signal requests and found that SW 14th Street and SW 136th Avenue were denied by Broward County as it was found not to be warranted. SW 29th Place and Nob Hill also did not meet traffic or crash warrants, so it was also denied. Pine Island Road and SW 38th Court U-turn restriction request was also denied. The County was, however, taking care of traffic channeling island and delineators at Orange Drive and Nob Hill. Additional eastbound turn lane off Davie Road and 595 had been approved. Traffic studies were conducted at Pine Island Road and SW 36th Street, as well as at Nob Hill and SW 13th Street and were not yet available. The left turn signal at Shenandoah Parkway and SW 136th Street was requested and required a traffic study, however, there had been no response at this time. The Nob Hill and SW 19th Street traffic signal requests did not meet warrants. Mr. Arner further advised that two lights were requested from the Florida Department of Transportation (FDOT), one at Stirling Road and SW 74th and one at Griffin and the Turnpike, both showing insufficient traffic. He spoke about a light at the University Car Wash and reported that this did not meet the side street criteria or warrants. Mr. Arner reported that the cost of a traffic study and light at an intersection was \$150,000 to \$250,000.

Scott Seiberger, FDOT, Project Manager for the I-75 master plan study, explained the purpose of the study which was to address traffic problems anticipated in the next several years and to establish an improvement plan. He reported that the study was being done from I-595 to the Palmetto Expressway and the process for actual improvements was a long one, perhaps 15 years. Mr. Seiberger reported that consideration was given to Stirling Road and it had been taken off the study, adding that the residents had been informed.

Mayor Venis stated that he had heard from Congressman Deutsch and felt that the residents were pleased.

Mr. Seiberger stated that the high traffic point was currently between Miramar Parkway and the Turnpike with 125,000 vehicles per day and increasing to 200,000. Between Sheridan and Griffin Roads, future expectations were 16,000 per day. He spoke about the meetings in Dade and Broward Counties, which initiated the study, and added that FDOT had visited the local municipalities and looked at their development plans. Mr. Seiberger stated that a public workshop would be held on May 22nd to show the possible plans for improving the corridor and to gain public input. He showed plans demonstrating some of the objectives for the interchanges and special use ramps.

Mayor Venis advised that due to the FDOT eradication program, homes backing up to Arvida were no longer buffered. He reported that it was found there were no funds in FDOT's budget to landscape that area and residents' fences needed to be moved. Mayor

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Venis added that residents may be willing to purchase the right of way property and the fence would then not have to be moved. Mr. Seiberger stated that the intent was to enter into a lease with those property owners and possibly in September let the land go. Property owners, in the meantime, would not have to move their fences.

Mayor Venis asked about the noise in the Ivanhoe community which was nearly unbearable and the possibility of barrier walls, adding that he had been dealing with this issue with residents for six or seven years. Mr. Seiberger felt that this issue would require a long term cooperative plan. He stated that he had visited a resident in this community and agreed the noise was truly unbearable. Mr. Seiberger encouraged residents and Council to come to FDOT to pursue this issue. He felt that the proposed landscape buffer would not help residents in the next five to seven years.

Mayor Venis advised that he and Mr. Willi would meet with residents in the near future.

Mayor Venis acknowledged State Representative Nan Rich. Ms. Rich volunteered to be a part of the committee to work on the I-75 project for Ivanhoe. She congratulated Councilmembers on their elections and looked forward to working with them.

#### **3.5 Upcoming Special Events - Bonnie Stafiej and Dennis Andresky**

Mayor Venis announced the winners of the Name the Bus Contest: 1st place - Davie Community Transit (DCT) - Keonna Lucine; 2nd place - Davie Express - Frankie Barreto, Susan Mary Gregg and Lauren Vetere; and 3rd place - Davie Transit Connection Link (TLC) - Hayley Ordway.

Dennis Andresky, Parks and Recreation Director, announced that upcoming events included: Miami Dolphins autograph session (May 26th); registration for Davie Bronco Football program (May 26th); and the Eastside Community Hall pot luck dinner (May 18th).

Mayor Venis announced that item 7.5 was withdrawn by staff and item 7.15 was requested to be tabled until July 18, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that items 9.2, 9.3, and 9.4 needed to be tabled to June 6, 2001.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 12.1 needed to be added to the agenda.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

#### **4. MAYOR/COUNCILMEMBER'S COMMENTS**

**CONGRATULATIONS.** Mayor Venis congratulated the Young At Art Children's Museum, which was twelve years old. He advised that he and Councilmember Starkey attended the birthday event.

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Mayor Venis congratulated Winn-Dixie for their ribbon cutting ceremony, which he regretted missing.

Mayor Venis offered congratulations to his daughter for her accomplishments in high school track and field regional championships.

**INTERVIEW.** Mayor Venis stated that he was interviewed by two students of Indian Ridge Middle School who were doing a school project. He thanked their mom for the key lime pie.

**TREE CITY USA.** Mayor Venis announced that the Town had once again been named Tree City USA for the year 2000.

**JOINT MEETING.** Mayor Venis advised that he had participated in a joint meeting with South Florida Water Management and the Drainage Consortium with Cooper City Mayor Suellen Fardelman and County Commissioner Lori Parrish where concerns were voiced on drainage issues. He commended Council for taking a proactive role in drainage area needs by committing over \$3 million. Mayor Venis advised that South Florida Water Management did not have any funds committed for canal maintenance and described the need for the C-11 canal. Mayor Venis reported that the meeting became heated as money was put forward for a study of needs in Davie, and South Florida Water Management did not want to take part in the study.

**TAKE A KID FISHING.** Mayor Venis advised that he attended this event and felt this was a great day for all. He thanked Ms. Stafiej for her part and asked Mr. Willi to thank the sponsors at an upcoming meeting.

#### **COUNCILMEMBER CLARK**

**SPEED HUMPS SW 41ST COURT.** Councilmember Clark reported that petitions had been forwarded to Administration and the installation of the humps had been on hold for budgetary reasons. She added that in a recent goal-setting session, plans were prioritized and speed humps were tenth on the list.

Mr. Willi advised that the draft policy would come before Council for its review and funding would be set in this year's budget process.

Councilmember Clark reported that a petition for 58th Avenue had also been received.

**FIRE IN SILVER OAKS.** Councilmember Clark reported that three mobile homes were destroyed in this recent fire, although no persons were hurt. She offered condolences to these families.

#### **COUNCILMEMBER TRUEX**

**HURRICANE YARD PICK-UP.** Councilmember Truex reported that the Hurricane Yard Pick Up Program was scheduled for June 9th and 10th and described the location of dumpsters for that purpose. He stated that this program was only for residential yard debris.

**MINUTES.** Councilmember Truex thanked the Town Clerk's Office for having the minutes to Council in such a timely fashion.

**ILLEGAL MOTORIZED VEHICLES.** Councilmember Truex spoke about recent complaints regarding these vehicles on roadways and bike paths. He asked what could be done as the situation was dangerous, noisy and inconsiderate, and gave a complaint form to Mr. Willi about ATVs near Imagination Farms.

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**GOAL SETTING SESSION.** Councilmember Truex advised that during the goal setting session, public safety ranked the highest priority. His suggestion for lower taxes ranked number 14 out of 18. Councilmember Truex read an excerpt from a Sun-Sentinel article on the subject of lower taxes.

**CONDUCT OF POLICE.** Councilmember Truex spoke about the complaints voiced at the last Council meeting by residents regarding the Police Department. He wanted residents to know that this issue was getting top priority by the Town, although the outcome was not known and could not be speculated on.

**COUNCILMEMBER STARKEY**

**RECENT TOWN EVENTS.** Councilmember Starkey reported that she had attended the ribbon cutting ceremony at Winn-Dixie, the Rotary breakfast honoring Cooper City Mayor Fardelman and the Take-A-Kid Fishing event. She also had attended the Hispanic Chamber of Commerce Gala.

**BROWARD 2001.** Councilmember Starkey advised that she had attended this legislative wrap-up event which included speeches by State representatives on what could be done in Tallahassee next year on behalf of the community.

**JOINT ECONOMIC DEVELOPMENT STEERING COMMITTEE.** Councilmember Starkey reported that she would be presiding over these meetings.

**WHEELABRATOR TOUR.** Councilmember Starkey spoke well of the Wheelabrator facility, stating that they sold back to FP&L by providing energy generated by incinerating trash.

**VICE-MAYOR PAUL**

**CAREER DAY.** Vice-Mayor Paul advised that she had attended Career Day at Flamingo Elementary and spoke about the second grade classes she had met with. She reported that the students had good ideas about safety, preservation, budget and road safety and had suggested a money-raising event for the Town such as a big garage sale.

**HAWKES BLUFF.** Vice-Mayor Paul indicated that she had attended the 5th grade D.A.R.E. graduation.

**DAVIE WATER AND ENVIRONMENTAL ADVISORY BOARD.** Vice-Mayor Paul advised that she had attended this meeting and spoke about the importance of advisory boards prioritizing their goals and tasks.

**THANKS.** Vice-Mayor Paul thanked the Fire Department for their presentation to students on the importance of not drinking and driving.

Vice-Mayor Paul thanked Dudley Jones for serving on the Child Safety Board and indicated that Mr. Jones had resigned from the Board. She reported that she was looking for a replacement.

**DAVIE AGRICULTURAL ADVISORY BOARD.** Vice-Mayor Paul felt it was time for this board to start meeting, even if all members were not able to be present.

**5. TOWN ADMINISTRATOR'S COMMENTS**

**POLICE CONDUCT ISSUE.** Mr. Willi advised that the Town would be very proactive in this area and added that this issue was a priority.

**SERVICE CONTRACT FOR PINE ISLAND RIDGE.** Mr. Willi reported that the service contract was approved for Pine Island Ridge and the fees for this contract were retroactive to October 2000.

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**EMPLOYEE AWARDS.** Mr. Willi stated that it was time for quarterly awards in which employees were recognized for going above and beyond their job responsibilities and for setting an example for Town employees. He added that the following individuals had been selected as employees of the quarter: Carol Menke, Deputy Finance Director, for her work with the Government Accounting Standards Board; Jeff Parzignat, Maintenance Tech I, who saved a child from serious injury in a near traffic accident; and Benjamin Trapani, Driver Engineer, who saved a woman whose car had gone into the canal near his house.

**SWIM CENTRAL GRANT.** Mr. Willi stated that the County was recommending the Town for a \$200,000 grant which would be applied toward the cost of the 61st Avenue pool.

**COMMUNITY REDEVELOPMENT AGENCY (CRA).** Mr. Willi reported that he had attended the CRA meeting to present a drainage correction proposal. CRA members had requested a joint meeting with Council to discuss the western theme and the Griffin Road Corridor.

**PASSENGER VAN.** Mr. Willi reported that Vice-Mayor Paul had been looking for a multi-passenger van for use by the seniors. He advised that a 15-passenger van had been donated by the Boys and Girls Club.

**DAVIE COMMUNITY TRANSIT.** Programs Administrator Chris Kovanes advised that the Town was leading the County in community transportation with a ridership of over 4,000. He thanked Public Relations Coordinator Susan Dean on her efforts.

**6. TOWN ATTORNEY'S COMMENTS**

**PARK CITY WEST.** Mr. Kiar reported that upon annexation, many mobile home communities had pre-annexation garbage contracts. Park City West did not have a prearranged guaranteed rate and he was researching this issue.

**CELL TOWERS.** Mr. Kiar distributed a document regarding a possible moratorium on cell towers. He spoke about a conflict with regard to the case law and felt this action might be legally challenged by telecommunications companies. Mr. Kiar spoke about the telecommunications act and how the courts had dealt with proposed cell towers.

Vice-Mayor Paul asked if the employment center special classification and the community business center district had any relationship. She referred to number eight in the attorney's report regarding an ordinance to solve the problem. Development Services Director Mark Kutney stated that the community business district zoning was the zoning category that would implement the employment center which was the ordinance before Council on tonight's agenda.

Councilmember Truex spoke about the moratorium on cell towers and asked what the next step would be in establishing such an action. Mr. Kiar suggested consulting expert legal counsel familiar with the Telecommunications Act. Councilmember Truex suggested moving forward with this issue as he felt residents were in danger if nothing was done. Council agreed.

Mayor Venis spoke about the Park City West annexation agreement and asked to see the minutes of the Council meeting indicating this vote.

**7. CONSENT AGENDA**

*Minutes*

7.1 April 4, 2001 - Regular Meeting

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*Proclamations*

- 7.2 Emergency Medical Services Week (May 20 - 26, 2001)  
7.3 Stand for Children Day (June 3, 2001)

*Parade Permit*

- 7.4 South Florida Council, BSA, Scoutmasters Camporee Committee (May 28, 2001; 9:00 a.m. to 11:00 a.m.)

*Resolutions*

7.5 **WITHDRAWN BY STAFF**

TRAFFICWAYS PLAN AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING STAFF TO TRANSMIT TRAFFICWAYS PLAN AMENDMENT APPLICATION TA-01-1 TO THE BROWARD COUNTY PLANNING COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. (TA-01-1, Orange Drive from Davie Road to SW 36 Street) (tabled from April 18, 2001)

- 7.6 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2001-119 THE BID FOR VERBATIM TRANSCRIPTION SERVICES. (Martin B. Warren, Inc. - \$2.40/page)

- 7.7 **ARCHITECTURAL SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2201-120 FLORIDA, SELECTING THE FIRM OF SCHARF & ASSOCIATES, INC. TO PROVIDE ARCHITECTURAL SERVICES FOR THE POTTER PARK COMMUNITY CENTER AND GYMNASIUM AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES. (\$150,000)

- 7.8 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2001-121 AUTHORIZING EXPENDITURES FROM THE LAW ENFORCEMENT TRUST ACCOUNT: (1) TO FUND THE FENCE ENCLOSURE AND LIGHTING OF A SITE FOR K-9 TRAINING; (2) TO SET ASIDE FUNDS TO COVER NON-BUDGETED COSTS ASSOCIATED WITH THE EXPANDED K-9 UNIT; AND (3) TO FUND SECURITY FENCING AND EQUIPMENT NEEDED FOR THE POLICE ARMORY. (\$14,782.40)

- 7.9 **REVISING PAY AND CLASSIFICATION PLAN** - A RESOLUTION OF THE  
R-2001-122 TOWN OF DAVIE, FLORIDA, RETITLING, REVISING AND REASSIGNING THE PAY GRADE OF THE CLASS SPECIFICATION OF PARKS AND RECREATION SUPERVISOR TO RECREATION COORDINATOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.

- 7.10 **REVISING PAY AND CLASSIFICATION PLAN** - A RESOLUTION OF THE  
R-2001-123 TOWN OF DAVIE, FLORIDA, ADOPTING THE CLASS SPECIFICATION OF ASSISTANT TO DEPARTMENT DIRECTOR AND ASSIGNING A PAY GRADE IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.

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- 7.11 **REVISING PAY AND CLASSIFICATION PLAN - A RESOLUTION OF THE**  
R-2001-124 **TOWN OF DAVIE, FLORIDA, REVISING AND REASSIGNING THE PAY  
GRADE OF THE CLASS SPECIFICATION OF ASSISTANT TOWN CLERK IN  
THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND  
PROVIDING AN EFFECTIVE DATE.**
- 7.12 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2001-125 **AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH  
SWIMAMERICA TO PROVIDE AQUATIC PROGRAMMING SERVICES.  
(\$6,000/year to the Town)**
- 7.13 **AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2001-126 **FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE  
AMENDMENT TO AN EXISTING LEASE AGREEMENT BETWEEN THE  
TOWN OF DAVIE AND OMNIPOINT COMMUNICATIONS DEF  
OPERATIONS, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.  
(\$11,357/year to the Town)**
- 7.14 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2001-127 **AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH  
AMERICAN TOWER DELAWARE CORPORATION FOR THE  
ALLOWANCE OF SUBLEASING SPACE ON EXISTING  
COMMUNICATIONS MONOPOLE; AND PROVIDING FOR AN EFFECTIVE  
DATE. (\$10,800/year to the Town)**

*Site Plans*

7.15 **STAFF REQUESTING A TABLING TO JULY 18, 2001**

SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor)  
(tabled from April 4, 2001) *Planning and Zoning Division recommended  
denial; Site Plan Committee recommended denial*

- 7.16 SP 10-5-00, Home Depot at Stirling Road and University Drive, 5801 South  
University Drive (A-1 and B-2) *Planning and Zoning Division recommended  
approval subject to the planning report; Site Plan Committee recommended  
approval based on the following: that there be a 125 foot long parapet on the  
north elevation; that there be an element on the east elevation which repeats  
the entrance feature with the canopy; that there be an additional variegated  
Arbicola hedge against the east wall to "free-form" with the yellow Tabebuia;  
that there be eight additional, eight-foot-tall yellow Tabebuia trees in clusters  
between the columns; that this be subject to the fourth recommendation  
made by staff in the planning report [completing the tree mitigation  
requirements by Earth Advisors before a Certificate of Occupancy is issued];  
and that all the Oak trees in the berm area, with the exception of the one tree  
that had been identified by staff, would remain untouched*

Councilmember Truex asked that item 7.12 be removed from the Consent Agenda.  
Mayor Venis asked that item 7.2 be removed.

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Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve the Consent Agenda without items 7.2 and 7.12. In a voice vote, all voted in favor. (Motion carried 5-0)

7.2 Fire Chief Donald DiPetrillo introduced Firefighters Tony Longo and Nellie Riviera as a few of the Department's finest and bravest firefighters. He thanked Council for recognizing the Department's involvement in Prom Night activities and mentioned other agencies that were involved: Memorial Hospital Trauma Services, Davie Police Department, Broward County Medical Examiner's Office and Broward Sheriff's Office.

Mr. Muniz read the proclamation.

Chief DiPetrillo advised that free health care screenings would be available each day next week. The Car Seat Safety Program was offered at the Nob Hill Fire Station on the second Saturday of each month. He advised that the Town's Fire Stations were Safe Places for children.

7.12 Councilmember Truex asked if SwimAmerica was a non-profit organization and a representative from SwimAmerica confirmed that it was.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve items 7.2 and 7.12. In a voice vote, all voted in favor. (Motion carried 5-0)

### **8. PUBLIC COMMENTS**

*Ordinances - First Reading (Public Hearing to be held on June 6, 2001)*

**8.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, AMENDING THE DECLARATION OF RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (ZB 1-2-01, Parkway Christian Church, 1200 South Flamingo Road)**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Vice-Mayor Paul questioned if the requirement to permit carnivals needed to be added. Mr. Willi advised that there was a temporary use permit process now in place. Vice-Mayor Paul indicated that a concern of the residents had to do with 14th Street dirt road access. Mr. Kutney stated that this was researched and the portion the residents spoke about was a 50-foot Central Broward Drainage District easement and a either 10 or 15 foot easement for a horse trail. He reported that the plat for Oak Run was not recorded and he planned to meet with Mr. Willi. Vice-Mayor Paul asked if barricades were a possibility. Mr. Kutney agreed, but felt it was not appropriate for vehicles.

Vice-Mayor Paul stated that she received an e-mail from Libby Brian, Village of Lake Pine II resident, who was now asking for an eight-foot wall. Councilmember Truex advised that he had spoken with Ms. Brian and some of the other residents.

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Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 8.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-10, MEDIUM DENSITY DWELLING DISTRICT, TO B-2, COMMUNITY BUSINESS DISTRICT, WESTERN THEME OVERLAY, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; AND AMENDING THE CORRESPONDING LEGAL DESCRIPTION OF THE WESTERN THEME DISTRICT BOUNDARIES CONTAINED IN LAND DEVELOPMENT CODE SECTION 12-386, ENTITLED "BOUNDARIES"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-1-01, MAF Realty, 6101 Orange Drive)**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Truex advised that he needed to abstain from voting due to his representation of a previous seller in this transaction.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex abstained. (Motion carried 4-0)

- 8.3 AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 98-46 WHICH WAS AN ORDINANCE CHANGING THE LAND USE CLASSIFICATION OF LANDS WITHIN THE TOWN FROM "RESIDENTIAL (5 DU/AC)" TO "EMPLOYMENT CENTER, SPECIAL CLASSIFICATION" TO INCLUDE LANGUAGE RESTRICTING FLOOR AREA RATIO, AND RETAIL AND RESTAURANT USE PURSUANT TO A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DOAH CASE NO. 99-1308GM); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Vice-Mayor Paul asked if the Cypress stand and the wetlands would remain in tact on the site. Bill Laystrom, representing the petitioner, stated that the Department of Community Affairs would look at that as an amendment which it had to review, however, Council could add this at the time of zoning.

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Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

### 9. PUBLIC HEARINGS

*Ordinance - Second and Final Reading*

9.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**  
2001-26 **FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-113, ENTITLED "BUFFERING AND LANDSCAPING FOR TELECOMMUNICATION TOWERS, ANTENNA, RELATED ACCESSORY STRUCTURES AND OTHER COMMUNICATION ANTENNA APPARATUS"; AND CREATING SECTION 12-114, ENTITLED "DEFINITIONS"; AND SECTION 12-506, ENTITLED "TELECOMMUNICATIONS TOWERS": TO PROVIDE LANDSCAPE STANDARDS FOR TELECOMMUNICATION TOWERS, ANTENNAS, RELATED ACCESSORY STRUCTURES, AND OTHER COMMUNICATION ANTENNA APPARATUS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Truex explained why he had voted against this at the last meeting. He stated that this ordinance did nothing to address the concerns of the residents, but merely dealt with landscaping around the towers. Councilmember Truex added that the same landscaping would also be required in industrial areas and a vinyl clad chain link fence, which he felt was not aesthetic. He suggested that this be reviewed all at once along with a serious look at the entire cell tower issue. Councilmember Truex stated that the phrase which allowed the Town to require additional landscaping in some cases was open ended and subjective. He did not agree with it as it could bring difficulties for, and criticism from, developers. Councilmember Truex suggested tabling this ordinance for 90 days until after the County's workshop was held and Mr. Kiar had completed his investigation.

Councilmember Starkey expressed her support of this and felt the landscaping was important. She stated that until the moratorium was "built," the cell towers could be landscaped nicely.

Vice-Mayor Paul pointed out that since the plant material needed to be drought tolerant, irrigation would not be necessary to any great extent. She spoke about xeriscaping and drip irrigation and suggested that something be added to the ordinance to include water conservation aspects.

Mayor Venis agreed with Councilmember Starkey that it would be good to have this ordinance in place. He stated that this ordinance could be changed in the future.

Councilmember Clark referred to Section 12-506(D)(7) and agreed with Councilmember Truex about the phrase, which seemed very open ended. Otherwise, she did not have a problem with the ordinance. Mr. Willi spoke about the language in this

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section and felt it was important to allow staff the freedom to extract what they needed from a developer when they only chose to provide the minimum. Councilmember Truex felt there were other concerns besides the landscaping.

Councilmember Clark made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - no (Motion carried 4-1)

Mayor Venis closed the public hearing portion of the meeting.

*Items to be tabled*

**9.2 STAFF REQUESTING A TABLING TO JUNE 6, 2001**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-31.100 THROUGH 12-32.106 ENTITLED "COMMUNITY BUSINESS CENTER DISTRICT"; PROVIDING FOR DEVELOPMENT REGULATIONS FOR THE COMMUNITY BUSINESS CENTER ZONING DISTRICT; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO THE CREATION OF THE COMMUNITY BUSINESS CENTER DISTRICT; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

**9.3 STAFF REQUESTING A TABLING TO JUNE 6, 2001**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CREATING SECTIONS 12-375 THROUGH 12-380 ENTITLED "MASTER PLANNED DEVELOPMENTS"; PROVIDING FOR MASTER PLANNED DEVELOPMENT GUIDELINES; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

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**9.4 STAFF REQUESTING A TABLING TO JUNE 6, 2001**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-33 ENTITLED "GENERAL REGULATIONS", AMENDING SECTION 12-386 "GENERAL PURPOSES", AMENDING CHAPTER 26, ENTITLED "VEGETATION", CREATING CHAPTER 26 ARTICLE IV, ENTITLED "CLEARING AND GRUBBING OF LAND", PROVIDING FOR INTENT, APPLICABILITY, PERMIT PROCEDURES, PERMIT APPLICATION, PERMIT EXEMPTION, AND REQUIRED DOCUMENTATION PRIOR TO THE ISSUANCE OF A PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

**10. APPOINTMENTS**

10.1 School Advisory Board (one exclusive appointment - Mayor Venis; term expires March 2002)

Mayor Venis deferred his appointment until the next meeting.

10.2 Youth Advisory Board (two exclusive appointments - Mayor Venis; terms expire April 2002)

Mayor Venis deferred his appointment until the next meeting.

10.3 Planning and Zoning Board/Local Planning Agency (one exclusive appointment - Councilmember Starkey; must be a resident and qualified voter - nominations require approval by Council) (term May 23, 2001 to May 21, 2002)

Councilmember Starkey deferred her appointment until the next meeting.

10.4 Site Plan Committee (one exclusive appointment per Councilmember; terms expire June 2001) (members must be residents of the Town and, whenever possible, should be an architect, landscape architect and an urban planner or designer)

Mayor Venis appointed Jeff Evans Councilmember Truex appointed Jim Aucamp. Vice-Mayor Paul appointed herself. Councilmember Clark appointed Sam Engel. Councilmember Starkey appointed Mike Crowley.

10.5 Group City EMS Coalition of Broward County (non-exclusive appointment of a Councilmember; term of two years)

Council as a whole nominated Councilmember Truex. In a voice vote, all voted in favor. (Motion carried 5-0).

10.6 Community Relations Board (two exclusives appointments per Councilmember and one non-exclusive appointment of a Councilmember; terms expire May 2002)

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Mayor Venis appointed Wayne Arnold and Norm Blanco. Councilmember Truex appointed Lynette Brown and Brian Hierholzer. Vice-Mayor Paul appointed Jason Curtis and Zel Veaser. Councilmember Clark appointed Katherine Montgomery and Richelle Gilhauley. Councilmember Starkey deferred her appointments until the next meeting. Mayor Venis nominated Councilmember Clark as the Councilmember with no objections being noted.

#### **11. OLD BUSINESS**

##### **11.1 Establishing Time Certain Council Meetings**

Councilmember Truex voiced his disagreement with this item and referred to suggestions from other municipalities. He pointed out the phrase "Mayor and Vice-Mayor need to run a very controlled meeting," stating he felt this was the key. Councilmember Truex described the specifics of this point and agreed that a strength in the way Mayor Venis dealt with speakers was that he did not cut them off. He added that this could result in people speaking at length. Councilmember Truex did not agree with meetings beginning at 6:00 p.m., as it was important to provide a time that was appropriate for the general public. In practice, he felt that the specific times for portions of the agenda would not work as some items required more time. He felt that the Open Public Meeting should not be cut, as it was important to hear from residents.

Councilmember Starkey clarified the time certain idea. She stated that starting the meeting at 6:00 p.m. was appropriate for the Town, as most needed to go home when the hour became late. She suggested that the Consent Agenda occur at approximately 7:00 p.m. and added that time certain for quasi judicial items was very beneficial for people as they may not want to sit through an entire meeting, but just be in attendance for that portion. Councilmember Starkey pointed out that this would be helpful for staff, as well, and suggested trying this for a few months. She stated that she appreciated the way Mayor Venis ran the meetings by allowing everyone to speak and indicated that a helpful practice could include the residents who were in attendance to speak on a certain item standing to be recognized. Councilmember Starkey felt it was unfair to those who were not able to speak on issues, as they needed to go home at 11:00 p.m.

Mayor Venis stated that when there was a heavy agenda, items were moved up to accommodate those residents with great concerns. Controversial issues were given special consideration and brought up at the beginning to allow residents to go home at a reasonable hour. He noted that when Councilmember Starkey first brought this up, it was brought out that some items were discussed thoroughly and then tabled. Mayor Venis thanked staff for staying on top of the Walgreens issue, which was tabled for several weeks and added that time would be saved by having everything that Council requested in place. He stated that he would like to see the meetings stay at 7:00 p.m. Mayor Venis suggested that Councilmember Starkey's idea on individuals standing with a representative speaking for all could be incorporated, but each resident who wanted to speak should be given their three minutes to do so. He agreed that during the Open Public Meeting, he was very lenient and he felt that residents, according to the Charter, had a right to speak. Mayor Venis felt that the reason Davie had heavy agendas was because the Town was different than many other communities, with many development issues and unique situations.

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Councilmember Truex felt that some residents did not want to speak but wanted Council to know their position on an issue and he recommended that they all stand to be recognized. He stated that Mayor Venis could then make it clear that the residents did not have to speak, but they had been noted.

Vice-Mayor Paul suggested that residents be held to three minutes, although she felt it was important to allow them to speak. She added that changes should be made gradually, by letting the public know ahead of time what changes would be coming. Vice-Mayor Paul felt that a 7:00 p.m. start time was important for the Open Public Meeting, as it would fit better with the majority of residents' schedules, but she agreed to sacrifice her schedule to come in early and begin other parts of the agenda at 6:00 p.m. She was against requiring people to fill out a registration form in order to be allowed to speak, as once they were in attendance they then often felt compelled to speak. Vice-Mayor Paul was in favor of running continuous announcements of upcoming special events, instead of individual presentations. She indicated that she was opposed to limiting speakers to ten. Vice-Mayor Paul recommended that Council take the suggestions and make an attempt to put them into practice without a resolution. She pointed out that the way the meetings had been run was really the best plan for getting it all accomplished.

Councilmember Clark felt that the resolution was a good idea but did not agree with having Mayor/Councilmember Comments at the end of the meeting. She added that without a resolution, these ideas may be difficult to implement.

Councilmember Starkey was opposed to limiting the first ten speakers and agreed that all residents had a right to be heard. She felt that the percentage of residents could be recognized without all speaking. Councilmember Starkey stated that she would be willing to table this to see if these changes could be accomplished.

Councilmember Truex asked if the Town Clerk's Office could note the beginning time of each item in the minutes. This could be added after the minutes were returned by the transcriber and it would be clear how long each item took.

#### **11.2 Purchase of Falcon Lea, Tract B**

Mr. Willi stated that the Town was ready to proceed with the purchase of this property. Mr. Kovanes stated that the seller was ready for direction from Council. Mayor Venis stated that Council had already given direction for this property to be purchased. Mr. Kovanes advised that he would ask Mr. Kiar to do a title search and proceed.

Lloyd Proctor, President of Falcon's Lea Homeowner's Association, supported this request and stated that the residents welcomed this purchase.

## **12. NEW BUSINESS**

Councilmember Truex asked that advisory boards be discussed at the next meeting. He stated that as new advisory boards were added, Council should look at possibly standardizing some of the boards. Councilmember Truex also asked that Council consider the idea of sunseting some boards and felt that it should be periodically considered whether or not some boards should be continued. Councilmember Truex provided a list of ideas for Council to look at before the next meeting.

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Councilmember Starkey spoke about financial disclosure as far as residents being a part of advisory boards. For some boards, this may be appropriate in order to establish conflicts of interest, while in others there may not be, such as the Youth Advisory Board.

**13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 9:50 p.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk